IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.53 OF 2005

Rafiq Usman Shaikh ...Applicant

Versus

State of Maharashtra ...Respondent

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Mr.Vikas Shivarkar i/b Mr.Vipin Bidkar for Applicant.

Mr.K.V.Saste, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

JANUARY 11, 2005.

P.C.

1. Heard Counsel for the parties.

2. I see no reason to entertain the request for extension of time for temporary bail granted by this Court on 23rd December 2004. Merely because the Applicant's son is still undergoing treatment, though discharged from the Hospital, does not mean that the Applicant should remain on temporary bail till the Applicant's son is fully fit. It is seen

that there are other relatives at home, who can take necessary care of the Applicant's son. Besides, it is brought to my notice by the learned A.P.P. that the trial has already commenced and five witnesses have been examined. The fact that co-accused are on bail is no ground for extension of temporary bail as is prayed in this Application. Hence, this Application is rejected.

3. Applicant shall surrender before the Investigating Officer on or before 13th January 2005, failing which, it will be open to the Investigating Officer to take appropriate steps for arrest of the Applicant, as may be permissible by law.

4. Application rejected on the above terms.

A.M.KHANWILKAR, J.